REMARKS

In the Office Action dated November 25, 1997, the Examiner issued a restriction requirement that the several pending claims posed XV groups of distinct inventions. In this regard, applicants elect for consideration in this application the claims of Group I (claims 1-7, 26-29 and 41) drawn to polynucleotides of HCV, encoded polypeptides, methods of making recombinant polypeptides and host cells.

Further, applicants with this amendment cancel claims 1-7, 26-29 and 41 and present new claims 63-73. The Examiner had indicated that the claims are incomprehensible and that he was unable to identify the disclosed sequences. Applicants believe that the above-indicated claim amendments clarify the claims substantially and explicitly indicate the disclosed sequences. Indeed, the claimed nucleic acid sequences are indicated in claim 64 using the SEQ ID numbering (i.e., SEQ ID 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 100, 103 or 105) and the nucleic acid sequences corresponding to the latter SEQ ID numbering is given in Figure 3. In a similar manner, the claimed amino acid sequences corresponding to the claimed nucleic acid sequences indicated in claims 66 to 67 as a SEQ ID numbering are the corresponding sequences given in Figure 3 and pages 4-7 of the description.

Furthermore, applicants would like to clarify that the present inventors were the first to characterize and describe the HCV types 7,9,10 and 11 and were the first to describe the claimed new subtypes of the HCV types 1,2,3 and 4. As these new groups of viruses can readily be

discriminated from previously described HCV genotypes as presented in the description, applicants believe that the present amended claims adequately cover the present findings.

Regarding the remark of the Examiner in item 6 relating to a single general inventive concept, applicants would like to indicate that the present invention relates to the general problem of designing better diagnostic tools and better prophylactic-(vaccines) and therapeutic strategies. It should be clear that identifying new HCV types and subtypes is crucial to solve the latter problem. For example, certain newly described (sub)types may be very abundant in a specific geographic area so that the latter (sub)types have to be incorporated in a vaccine designated for that area. In other words, applicants strongly believe that the present invention relates to a single solution of one specific problem, i.e., new HCV sequences to improve HCV-related products in diagnosis, prevention and therapy.

Moreover, applicants wish to point out that they did not specifically exclude by amendment the searched sequences as indicated by the Examiner. In this regard, it should be clear that the subject matter of new claim 63 has in fact been searched with respect to subtype 1d. *See* International Search Report Box II and continuation sheet.

Regarding electing a single disclosed species for prosecution as requested by the Examiner, applicants elect the sequence of subtype 1d having SEQ ID 1 (given in Figure 3 and with support in the description on page 51, lines 12-14) and encoding for a polypeptide having SEQ ID 2 (also given in Figure 3 and with support in the description on page 53). It should be noted that all amended claims (*see* above) can be read on this elected species.

The Examiner is invited to contact the undersigned attorney at 713-787-1438 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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